

### **REMARKS**

Applicant appreciates the Examiner's attention to the above referenced application. Claims 1-5, 12-16, 23-25, and 31-33 were rejected. Claims 12-16 have been amended. Claims 6-11, 17-22, and 26-30 were withdrawn. Claims 1-5, 12-16, and 23-25 currently remain.

### **35 USC 101**

Claims 12-16 are rejected under 35 USC 101 as being directed to non-statutory subject matter.

The Examiner objects to the recitation of "an article" alleging that it is non-statutory subject matter. The Applicants dispute this, but in the interests of a compact prosecution, claims 12-16 have been amended to recite a "computer readable medium." Thus, claim 12 as currently presented is statutory and this rejection must be withdrawn. Claims 13-16 depend from allowable claim 12.

### **35 USC 112**

Claims 1-5, 12-16, and 23-25 are rejected under 35 USC 112, second paragraph as failing to comply with the written description requirement. The Office action dated November 21, 2011 alleges that the added limitation of "checking recorded time conditions in the execution scenario script to handle variations in playback speed" is not supported by the specification.

The Applicants disagree with the Examiner's assertion regarding the added limitation. It is clear from the Specification that "checking recorded time conditions in the execution scenario script to handle variations in playback speed" is indeed supported. The Applicants direct the Examiner's attention to page 5, line 26 to page 7, line 2:

*"At block 118, recorded time conditions may be checked to take into account possible variations in playback. For example, the time when an object appears may be within a time interval based on a recorded time. For example, in one embodiment a lower bound time (time to start the search) may be extracted from the saved data in the execution scenario and an upper bound time may be the lower bound time plus 10%, or some other appropriate value. Processing of blocks 114, 116, and 118 each result in data being stored in report 120. At block 119, the CCF system controls execution of the application program based on the results of the*

image analysis. Blocks 114, 116 and 118 may be repeated for each in a sequence of user input data items from the execution scenario.

*The time interval between sequential actions is a part of the captured execution scenario. However, while following the execution scenario in the playback phase, one should not expect that the time interval between any two actions at playback will be equal to the time interval between the same two actions during the recording phase. There are a number of objective reasons why this interval could be different on playback than during recording. For example, the application program during recording and playback may be executed on different computer systems having different processor speeds, or an application program could require different times for the same actions during playback due to accesses of external data or resources. This indicates a requirement in the CCF system to handle flexible time conditions, e.g. handle some tolerance for the time interval between actions during the playback phase. During that time interval at playback, the system checks the recorded display data to the playback display data several times to determine if the playback display data is substantially similar to the recorded display data. A finding that the two are substantially similar indicates that a previous user action has completed and the system can progress to the next action in the execution scenario. This activity may be similar to the situation where the user is interacting with the application program and pauses periodically to view the display to determine if the expected visible changes to the display have been made by the application program based on previous actions. If so, then a new action may be performed. If at the end of a higher bound of the time interval the application program has not produced an image on the display that the CCF system expected according to the execution scenario, then the CCF system may interrupt the playback of the execution scenario and generate an error report describing how the execution scenario has not been followed. In one embodiment, the scenario may be corrected and the CCF system may be required to use other branches to continue.” (emphasis added).*

In one embodiment, the execution scenario is stored in a script. This is recited in claim 5, which was present in the application when filed.

Thus, it can readily be seen that the added limitation is supported. Therefore, the rejection under 35 USC 112 must be withdrawn.

**35 USC 103(c)**

Claims 1-4, 12-15, and 23-25 are rejected under 35 USC 103(b) as being unpatentable over Redstone Software, Inc. ("Software Automation & Testing"), hereinafter Redstone, in view of Vinson (2003/0172374).

The Office action dated Nov. 21, 2011 admits that Redstone does not disclose or suggest that the time conditions recorded into the execution scenario during the recording phase are checked during the playback phase to handle possible variations in playback speed of the application program. The Office action cites Vinson at paragraph 351 as disclosing this deficiency of Redstone. This is clearly wrong.

Vinson at paragraph 351 discloses the very well known concept of audio/video playback control which has been in use in every DVD player, VCR, etc. for many years. These controls include play, stop, reverse, forward, skipping chapters, and controlling playback speed (i.e., 2X, 5X, 10X frame rate). This basic concept of user control of content playback is very different than the recited limitation.

In embodiments of the present invention, the time conditions recorded in the *execution scenario script* during the recording phase are checked during playback phase to handle possible variations. The specification describes this concept in the above cited text. The execution scenario script during the playback phase controls the simulated user inputs captured during the recording phase. The execution scenario script may be used to efficiently test GUIs for application programs being developed.

There is no execution scenario script taught or suggested by the TV playback device of Vinson. There is no need for one, because in Vinson the live user is entering commands to control playback of the TV show. Thus, Vinson teaches away from the present claims.

The combination of Redstone and Vinson does not teach or suggest all limitations of the independent claims. Hence, independent claims 1, 12, and 23, and all claims dependent therefrom, are allowable as currently presented.

Regarding claims 2, 3, 4, and 12-15, and 23-25, these claims all depend from allowable independent claims 1, 12, and 23, respectively.

**CONCLUSION**

Applicant respectfully requests reconsideration in view of the remarks and amendments set forth above. If the Examiner has any questions, the Examiner is encouraged to contact the undersigned at (480) 715-3681. Please charge any shortage of fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 50-0221 and please credit any excess fees to such account.

Respectfully submitted,

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